

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:05CR252
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	
AMIN MOHAMMAD,)	
)	
Defendant.)	<u>FINAL ORDER OF FORFEITURE</u>

It appears to the Court that proper proceedings for the issuance of a Final Order of Forfeiture have been had in this case as follows:

1. On May 25, 2005, a federal grand jury sitting in this district returned a one count indictment against Amin Mohammad and three (3) co-defendants. The indictment charged the defendants with conspiracy to distribute, and to possess with the intent to distribute, pseudoephedrine; in violation of 21 U.S.C. § 846, § 841(a)(1), and § 841(c)(2).

2. Pursuant to 21 U.S.C. § 853, the indictment further sought the forfeiture to the United States of any and all property constituting, or derived from, any proceeds the

defendants obtained, directly or indirectly, as the result of Count 1; and, any and all of their property used or intended to be used, in any manner or part, to commit or to facilitate the commission of Count 1.

3. On November 30, 2005, defendant Mohammad entered a plea of guilty to the charge set forth in Count 1 of the indictment and, pursuant to 21 U.S.C. § 853(a), agreed to the forfeiture of the following properties to the United States:

a.) the real estate property located at 1348 West 110 Street, Cleveland, Ohio.

b.) a service station located at 4126 Pearl Road, Cleveland, Ohio.

c.) \$50,000.00 in U.S. Currency.

4. Further, defendant Mohammad has agreed:

a.) The property identified in paragraph 3(c) is subject to forfeiture under 21 U.S.C. § 853(a)(1) as it constitutes proceeds he obtained as the result of the criminal activity charged in Count 1 of the indictment.

b.) The properties identified in paragraphs 3(a) and 3(b) are subject to forfeiture under 21 U.S.C. § 853(a)(2) as they were used to commit, and to facilitate the commission of, the criminal activity charged in Count 1 of the indictment.

c.) Defendant Mohammad has transferred the property identified in paragraph 3(c) [to wit: \$50,000.00 in U.S.

Currency] to third parties, and/or has commingled it with other property which cannot be divided without difficulty.

d.) Defendant Mohammad agreed to turn over a check in the amount of \$50,000.00 to the United States.

e.) Pursuant to 21 U.S.C. § 853(p), defendant Mohammad further agreed to the forfeiture of the \$50,000.00 check as "substitute property" for the property identified in paragraph 3(c).

5. The United States has agreed:

a.) To accept a monetary settlement of \$100,000.00 in lieu of the forfeiture of the properties identified in paragraphs 3(a) and 3(b) [to wit: the real estate property located at 1348 West 110 Street, Cleveland, Ohio; and, the service station located at 4126 Pearl Road, Cleveland, Ohio].

b.) Upon the final forfeiture of the \$100,000.00, the United States agreed that it will not seek any further forfeiture with respect to the properties identified in paragraphs 3(a) and 3(b), based upon the criminal activity charged in the indictment.

6. A Preliminary Order of Forfeiture was filed on December 6, 2005. Therein, the \$50,000.00 check and the \$100,000.00 check to be turned over by defendant Mohammad were forfeited to the United States under 21 U.S.C. § 853, subject to the provisions of 21 U.S.C. § 853(n).

7. On or about April 12, 2007, defendant Mohammad turned

over three (3) \$50,000.00 official checks to the United States.

8. Pursuant to 21 U.S.C. § 853(n)(1), the United States published notification of the Court's Preliminary Order of Forfeiture in the Cleveland Daily Legal News. Attached hereto as Exhibit 1 is a copy of the notice.

9. No opposition to the forfeiture was filed as a result of the published notification.

Accordingly, it is ORDERED, ADJUDGED, and DECREED:

10. The following properties are hereby finally forfeited to the United States under 21 U.S.C. § 853(a) and § 853(p), and no right, title or interest shall exist in any other party:

a.) \$50,000.00, which defendant Mohammad turned over to the United States as "substitute property" pursuant to 21 U.S.C. § 853(p); and,

b.) \$100,000.00, which defendant Mohammad turned over to the United States in lieu of the forfeiture of the properties identified in paragraphs 3(a) and 3(b) [to wit: the real estate property located at 1348 West 110 Street, Cleveland, Ohio; and, the service station located at 4126 Pearl Road, Cleveland, Ohio].

11. The United States shall seize and take control of the properties, and shall dispose of them in accordance with law. Particularly, the \$100,000.00 shall be treated in the same manner as the proceeds of sale of a forfeited item and disposed of according to law. 19 U.S.C. § 1613(c).

12. The United States shall not seek any further forfeiture with respect to the properties identified in paragraphs 3(a) and 3(b), based upon the criminal activity charged in the indictment.

SO ORDERED this 24th day of May, 2007.

Christopher A. Boyko

Christopher A. Boyko
United States District Judge

FILED

MAY 24 2007

CLERK OF COURTS
U.S. DISTRICT COURT, N.D.O.
CLERK

Case 1:05-cr-00252-CAB Document 214
U.S. Department of Justice
United States Marshals Service

Filed 03/20/2007 Page 1 of 2
PROCESS RECEIPT AND RETURN
See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER 1:05CR252
DEFENDANT Amin Mohammed and Ibrahim Oudeh	TYPE OF PROCESS Notice of Publication
SERVE ↓ AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Daily Legal News
	ADDRESS (Street, P.O. Box, and No. Other, City, State, ZIP Code) 2935 Prospect Avenue, Cleveland, Ohio 44115

SEND NOTICE OF SERVICE TO REQUESTER AT NAME AND ADDRESS BELOW

James L. Mortford
Assistant United States Attorney
Office of the United States Attorney
United States Court House, 501 West Superior, Suite 100
Cleveland, Ohio 44113
(216) 622-1743

Number of process to be served
with this form: 255Number of copies to be served
in this case

Check box if served by FAX

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, Alt. Telephone Numbers, and Estimated Times Available For Service)

Publish the attached Notice in accordance in with the Preliminary Order of Forfeiture, also attached

CATS ID: 07-DEA-479262

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

 TELEPHONE NUMBER
 (216) 622-3743

 DATE
 02/15/2007

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 255 if more than one USM 255 is submitted)	Total Process No. 1	District of Origin No. 600	District to Serve No. 602	Signature of Authorized USMS Deputy or Clerk James A. R...	Date 2-22-07
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (see remarks below)

Name and address of individual served (if not same as above)				<input type="checkbox"/> A person is unable to be located, and the return is being made by the U.S. Marshal.		
Name and address of individual to whom return is made				Date of Service 3-17-07	Page 0830	
				Signature of U.S. Marshal or Deputy [Signature] Co. 610		
Service Fee	Total Mailing Charges (Include postage fee)	Forwarding Fee	Total Charges	Advance Deposits	Amount Owed by U.S. Marshal or	Amount Owed Return

REMARKS PUBLISHED ONCE A WEEK FOR THREE WEEKS. POP ATTACHED.

PRIOR EDITIONS MAY
BE USED
**GOVERNMENT
EXHIBIT**

1

FORM USM 255 (Rev. 12/15/80)

STATE OF OHIO,
COUNTY OF CUYAHOGA } SS.

Case No. 1:05CR252

Caption: United States v. Amin Mohammad, Ibrahim
Oudeh

I, Carol Hackney, being duly sworn upon my oath, depose and say that I am the agent of the DAILY LEGAL NEWS, and that the annexed advertisement attached hereto was published in the DAILY LEGAL NEWS, a daily newspaper of general circulation, printed in the City of Cleveland, County of Cuyahoga, Ohio for a period of 3 consecutive weeks, and on the same day of each week, on and after the 3rd day of March A.D. 2007.

Publication Fee \$344.50



Sworn to and subscribed in my presence this
17th day of March A.D. 2007.


Notary Public

Rae Szabo

STATE OF OHIO (Cuyahoga County)
My Commission Expires March 19, 2010.

Daily Legal News
2935 Prospect Avenue
Cleveland, OH 44115
(216) 696-3322

PROOF OF PUBLICATION

NOTICE OF PUBLICATION
Notice is hereby given that on December 8, 2006, in the case of United States v. Amin Mohammad, Ibrahim Oudeh, Criminal Case No. 1:05CR252, the United States District Court for the Northern District of Ohio entered an Order forfeiting the following properties to the United States of America:

1.) \$50,000.00 certified check, which defendant ASIM MOHAMMAD has agreed to turn over to the United States as "substitute property" pursuant to 21 U.S.C. § 853(p).

2.) \$100,000.00 in lieu of the forfeiture of the real estate property located at 1348 West 110 Street, Cleveland, Ohio; and, a service station located at 4128 Pearl Road, Cleveland, Ohio. [ASIM MOHAMMAD]

3.) \$50,000.00 certified check, which defendant IBRAHIM OUDEH turned over to the United States on January 16, 2007, as "substitute property" pursuant to 21 U.S.C. § 853(p).

The United States hereby gives notice of its intent to dispose of the subject properties in such manner as the United States Attorney General may direct. Any person (other than defendant Amin Mohammad and Ibrahim Oudeh) having or claiming a legal right, title or interest in the subject properties must file a petition with the Court in the above-captioned case within thirty (30) days of the final publication of this notice. The petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest, and shall be filed with the Court at the following address: Clerk's Office: Carl B. Stokes U.S. Court House, 801 West Superior Avenue, Cleveland, Ohio 44113. A copy of the petition also shall be provided to the Office of the United States Attorney, Attention: Asset Forfeiture Section; Carl B. Stokes U.S. Court House, 801 West Superior Avenue, Suite 160; Cleveland, Ohio 44113. The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the subject properties, the time and circumstances of the petitioner's acquisition of the right, title or interest, and any additional facts supporting the petitioner's claim and the relief sought.

United States Marshall Service
Northern District of Ohio
March 10-17, 2007